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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/736,421
	Filing Date	December 15, 2003
	First Named Inventor	Lynetta Jean Freeman
	Art Unit	3739
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	END5051.0515141

<b>ENCLOSURES (Check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO-1449; Copy of Search Report; Cited References (2); Check (\$180); Return Postcard.
<input type="checkbox"/> Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Frost Brown Todd LLC		
Signature			
Printed name	Stephen J. Goldstein		
Date	September 9, 2005	Reg. No.	28,079

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Linda E. Spore	Date	September 9, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Customer No. 26874  
PATENT TRADEMARK OFFICE  
Atty. Docket: END5051-0515141

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Freeman et al. : Paper No:

Serial No. 10/736,421 : Group Art Unit: 3739

Filed: December 15, 2003 : Examiner:

For: METHOD AND DEVICE FOR MINIMALLY INVASIVE IMPLANTATION OF BIOMATERIAL

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 35 U.S.C. § 1.97(e)(1) and (2)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, Applicants herewith submit certain patent references, which the Patent and Trademark Office may wish to consider in examining the above-identified application. The references are listed below, and are also listed on the attached Form PTO-1449.

**U.S. Patent References:**

<b><u>References</u></b>	<b><u>Issue Date</u></b>	<b><u>Inventor</u></b>
US 2003/021787 A1	01-30-2003	Hung et al.
US 5,531,759 A	07-02-1996	Kensey et al.
US 6,171,298 B1	01-09-2001	Matsuura et al.

Serial No. 10/736,421

**Foreign Patent References:**

<b><u>References</u></b>	<b><u>Issue Date</u></b>	<b><u>Inventor</u></b>
WO 2004/084857 A	10-07-2004	Mpathy Medical Devices Ltd.

**Other References/Publications:**

JEONG, S.Y., et al; "Self-regulating insulin in delivery systems. III. In vivo studies." Journal of Controlled Release, Vol. 2/-(143-152). Coden: JCREEC, 1985, XP002322808.

**Certification:**

Certain items of information included herewith were cited in the International Search Report in the related PCT application. A copy of the International Search Report is included for the Examiner's convenience.

To the knowledge of the undersigned attorney, after making reasonable inquiry, those other items of information included herewith became known to any individual designated in §1.56(c) not more than three months prior to the filing of this information disclosure statement.

Copies of the listed references are provided. No representation is made or intended that a prior art search has been made or that no better art than the listed is available. It is respectfully requested that the information be considered by the Examiner and made of record in the present application.

Serial No. 10/736,421

Applicants believe that a fee of \$180 is due as a result of this communication. The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC's Deposit Account No. 06-2226.

Respectfully submitted,

Freeman et al

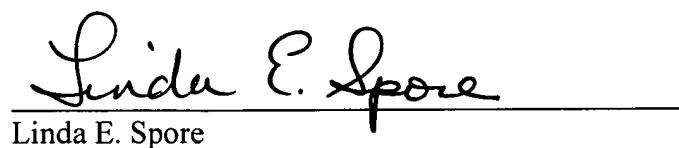


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Linda E. Spore



Substitute for Form PTO 1449

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>			
Sheet	1	of	2	Application No.	10/736,421		
				Filing Date	December 15, 2003		
				First Named Inventor	Lynetta J. Freeman		
				Art Unit	3739		
				Examiner Name			
				Attorney Docket No.	END-5051.0515141		
<b>U.S. PATENT DOCUMENTS</b>							
Examiner initials	Cite No.	DOCUMENT NUMBER		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Number-Kind code <sup>2</sup> (if known)					
		US-	2003/021787A1	01-30-2003	Hung et al.		
		US-	5,531,759 A	07-02-1996	Kensey et al.		
		US-	6,171,298 B1	01-09-2001	Matsuura et al.		
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initials	Cite No.	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind code <sup>5</sup> (if known)					
		WO 2004/084857 A		10-07-2004	Mpathy Medical Devices Ltd.		
<b>OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS</b>							
Examiner initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published					T <sup>6</sup>
		JEONG, S.Y., et al.; "Self-regulating insulin in delivery systems. III. In vivo studies." Journal of Controlled Release, Vol. 2/-143-152). CODEN: JCREEC, 1985, XP002322808 *Abstract*.					

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EXAMINER SIGNATURE \_\_\_\_\_ DATE CONSIDERED \_\_\_\_\_  
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.